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California Regional Water Quality Control Board North Coast Region

John W. Corbett, Chairman

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Arnold
Schwarzenegger
Governor

September 28, 2007

In the Matter of

Water Quality Certification

for the

**KEDRIC AND DENISE ZANZI
ZANZI PROJECT: WDID NO. 1B05162WNSO**

APPLICANT: Kedric and Denise Zanzi
RECEIVING WATER: Unnamed ephemeral drainage tributary to Russian River
HYDROLOGIC AREA: Middle Russian River Hydrologic Area No. 114.25
COUNTY: Sonoma County
FILE NAME: Zanzi Project

BY THE EXECUTIVE OFFICER:

1. On December 20, 2005, Tim O'Donnell of Golden Bear Biostudies, on behalf of Kedric and Denise Zanzi (Applicant), filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the Cherry Ranch Project (Project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 31, 2007, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The Project is located in Central Cloverdale at 509 West Second Street (APNs 116-110-026, 044, and 047). The site will be accessed from four public streets (Foothill Boulevard, West Second Street, Grenache Street, and First Street). The purpose of the Project is to build 48 single family homes and the construction of associated public streets and utilities.
3. Current site conditions consist of open space. The site was previously a vineyard, but has been bare for an extended period of time. The majority of the site's runoff is directed to an unnamed stream on the site, which drains into an inlet on the eastern border of the property. On the northwestern portion of the site the stream is currently

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diverted from its channel and conveyed under a neighboring property via a metal culvert.

4. The Applicant proposes to create 265 linear feet of new channel in the northwestern corner of the site. The stream will flow uninterrupted, under two Conspan bridges, through the site to the eastern border where it will flow into the existing storm drain. The City of Cloverdale has requested flood control mitigation to be constructed, which will include a second drainage inlet and a detention basin on the eastern property line. There will be a minimum creek setback of 30 feet and upon completion of the Project the creek and the setback area will be dedicated to the City of Cloverdale.
5. The project will impact 195 linear feet of waters of the United States.
6. Compensatory mitigation for this project will be attained through the creation of 265 linear feet of new channel, bypassing the existing piping under the adjacent property to the north. The proposed detention basin area at this location is 0.18-acres.
7. Non-compensatory mitigation measures include the use of erosion control best management practices (BMPs) as described in the Applicant's Storm Water Pollution Prevention Plan. Post-construction storm water runoff will be treated using a variety of treatment techniques as described in the submitted Storm Water Mitigation Plan, including, but not limited to, disconnected roof leaders, vegetated bioswales, and StormTech Infiltration Chambers.
8. On September 3, 2004, the City of Cloverdale adopted a negative declaration for the Project in order to comply with CEQA. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the Project or required as a condition of approval to avoid significant effects to the environment. State Clearinghouse number 2004082026.
9. The Applicant has filed a permit application with the United States Army Corps of Engineers (Army Corps) for coverage under a nationwide permit, determination is still pending. File number 287320N.

Receiving Water: Unnamed ephemeral drainage tributary to the Russian River
Middle Russian River Hydrologic Area No. 114.20
Russian River Unit No.114.00

Latitude/Longitude: 38.803737° North, 122.023983° West

Area Permanently
Impacted: Approximately 195 linear feet (0.036 acres) of waters of the
United States

Expiration: October 15, 2011

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT ZANZI PROJECT (WDID NO. 1B05162WNSO), as described in the application will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under chapter 28, title 23, California Code of Regulations, and owed by the Applicant.
4. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification (Enclosed).
5. The Russian River watershed is identified on the State of California Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. At present, a total maximum daily load (TMDL) has not been established for this watershed. If a TMDL and associated implementation plan is adopted for this watershed prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in the action plan.
6. This Order is contingent on compliance with all applicable requirements of the North Coast Basin Water Quality Control Plan (Basin Plan), except as may be modified by the specific conditions of this Order.
7. The Applicant shall construct the Project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.
8. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this Order.

9. The Applicant shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. The Applicant shall be responsible for work conducted by its contractor or subcontractors.
10. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this Order, the Regional Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance..
11. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
12. This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:
 - a. requesting entity's full legal name
 - b. the state of incorporation, if a corporation
 - c. address and phone number of contact person
 - d. description of any changes to the Project or confirmation that the successor-in-interest intends to implement the Project as described in this Order.
13. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's Project description, and b) compliance with all applicable requirements of the Basin Plan.

14. The authorization of this certification for any dredge and fill activities expires on October 15, 2011. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.
15. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this certification must be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
16. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
17. When operations are complete, any excess material or debris shall be removed from the work area and disposed of properly.
18. If construction dewatering is found to be necessary, the Applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the Applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage to discharge to surface waters.
19. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, operation, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the Applicant use any vehicle or equipment, which leaks any substance that may impact water quality.
20. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other Project activities that could result in erosion or sediment discharges to surface water.
21. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated Project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions.

Robert R. Klamt
Interim Executive Officer

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Enclosures: State Water Resources Control Board Order No. 2003-0017-DWQ,
General Waste Discharge Requirements for Dredge and Fill
Discharges That Have Received State Water Quality Certification.

Original sent to: Mr. Kedric Zanzi, 509 West 2nd Street, Cloverdale, CA 95448

Copies sent to: Mr. Bill Orme, SWRCB, Acting 401 Program Manager, Clean Water
Act Section 401 Certification and Wetlands Unit Program

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory
Functions, 1455 Market Street, San Francisco, CA 94103-1398

Mr. Kevin Doble, Doble Thomas & Associates, Inc, 134 S.
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Ms. Kimberly Niemeyer and Ms. Samantha Olson, SWRCB, Office
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Mr. Bill Cox, Department of Fish and Game, PO Box 47, Yountville,
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